

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
8/8 Harford Hills Garth, 156 ft.  
N of Harford Hills Road  
9001 Harford Hills Garth  
9th Election District  
6th Councilmanic District  
Mary Catherine Boteler  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mary Catherine Boteler for that property known as 9001 Harford Hills Garth in the Perring Park subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 211.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 9 ft., in lieu of the required 30 ft., for a proposed addition, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of June, 1993 that the Petition for a Zoning Variance from Section 211.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 9 ft., in lieu of the required 30 ft., for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
Date 5/24/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 23, 1993

Ms. Mary Catherine Boteler  
9001 Harford Hills Garth  
Baltimore, Maryland 21234

RE: Petition for Administrative Zoning Variance  
Case No. 93-408-A  
9001 Harford Hills Garth

Dear Ms. Boteler:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.



Petition for Administrative Variance  
93-408-A  
to the Zoning Commissioner of Baltimore County  
for the property located at 9001 Harford Hills Garth  
which is presently zoned OH 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 211.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) To Permit A Rear Yard Set Back Of 9 Ft In Lieu Of The Required 30 Ft. For A Proposed Addition

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The reason for the petition is because:
- 1) A Drainage easement in the rear
  - 2) The property line location in the rear
  - 3) The distance from the proposed rear wall of the addition to the dwelling on 2320 Harford Hills Road

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner: [Signature]  
Type or Print Name: Mary Catherine Boteler  
Signature: [Signature]  
Address: 9001 Harford Hills Garth  
City: Baltimore, MD 21234  
Phone No: 410-665-0456  
Name Address and phone number of representative to be contacted: King's Sons Contractors, 7834 Bagley Ave, Baltimore, MD 21234, 410-665-0456

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of June, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two (2) copies of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: [Signature] DATE: 5/20/93  
ESTIMATED POSTING DATE: 6/6/93  
ITEM #: 422

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9001 Harford Hills Garth, Baltimore, MD 21234, City, State, Zip Code.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

I, Mary Kate Boteler, am requesting to build an addition onto the rear of my home. My intent is to use it as a family room. There will be no windows at the rear of the room. The only windows will be on the sides. There already exists a porch off the dining room with dimensions of 10'x10'. I am requesting that a family room be built in place of the porch with dimensions of 10'x20'. This, I feel, is the only feasible place for my family room, though a drainage easement and the property line are close to the finished wall.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]  
Mary Catherine Boteler  
Type or Print Name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of April, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Maryland

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/29/93  
My Commission Expires: Sept. 1, 1994

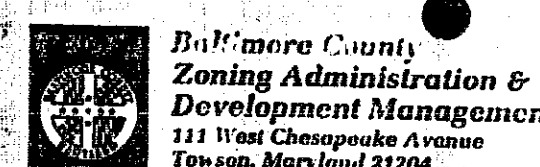
ZONING DESCRIPTION FOR 9001 Harford Hills Garth  
Election District 9th Councilmanic District 6th

Beginning at a point on the EAST side of Harford Hills Garth which is 50 ft wide at a distance of 155.95' North of the centerline of the nearest improved intersecting street Harford Hills Rd which is 50 ft wide. \*Being Lot # 6.

Block C, Section 1 in the subdivision of Perring Park as recorded in Baltimore County Plat Book # 27, Folio # 49, containing 9801 Sq. Ft. / 0.225 Acres.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th Date of Posting 4/1/93  
Posted for: Variance  
Petitioner: Mary C. Boteler  
Location of property: 9001 Harford Hills Garth, C.E.D. 152 N/Harford Hills Rd  
Location of Signs: Four signs on rear of property  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 6/1/93  
Number of Signs: 4



Date 5/20/93

93-408-A

RES. ADMIN. VARIANCE FILING FEE CODE 010 = \$50.00  
(1) SIGN POSTING CODE 080 = 35.00  
TOTAL = 85.00

NAME: BOTELER  
LOCATION: 9001 HARFORD HILLS GARTH

Cashier Validation

111 West Chesapeake Avenue  
Towson, MD 21204

Baltimore County Government  
Office of Zoning Administration  
and Development Management

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JARLON, DIRECTOR

For newspaper advertising:

Item No.: 422  
Petitioner: Mary Kate Boteler  
Location: 9001 Harford Hills Garth  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: King's Sons Contractors  
ADDRESS: 7834 Bagley Ave  
Baltimore, MD 21234  
PHONE NUMBER: (410) 665-0456

AJ:ggs

(Revised 04/09/93)





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 11, 1993

Ms. Mary Catherine Boteler  
9001 Harford Hills Garth  
Baltimore, MD 21234

RE: Case No. 93-408-A, Item No. 422  
Petitioner: Mary Catherine Boteler  
Petition for Administrative Variance

Dear Ms. Boteler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 20, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

HELEN KERING  
Mrs. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. \* 422 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5052 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: June 3, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Thomas Stankovic, Item No. 418, One High Noon Way  
David P. Warsaw, Item No. 419, 13 S. Beaumont Ave.  
Mary Catherine Boteler, Item No. 422, 9001 Harford Hills Garth  
James G. Green, Item No. 423, 1501 Serpentine Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long  
Division Chief: Gary L. Kerns

PK/JL:lw

412NC.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
Captain Jerry Pfeifer  
FROM: Fire Department

Date: May 27, 1993

SUBJECT: Comments for 06/08/93 Meeting

Item 405	Building shall comply with applicable provisions of the 1991 Life Safety Code.
Item 416	No Comments
Item 417	No Comments
Item 418	No Comments
Item 419	No Comments
Item 420	No Comments
Item 421	No Comments
Item 422	No Comments
Item 423	No Comments
Item 424	No Comments

JP/dmc

RECEIVED  
MAY 28 1993  
ZADM



111 West Chesapeake Avenue  
Towson, MD 21204

May 27, 1993

(410) 887-3353

Mary Catherine Boteler  
9001 Harford Hills Garth  
Baltimore, Maryland 21234

Re: CASE NUMBER: 93-408-A (Item 422)  
9001 Harford Hills Garth  
1/2 Harford Hills Garth, 156' N of Harford Hills Road  
9th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 6, 1993. The closing date (June 21, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon  
Director

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: May 5, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 377, 397, 398, 399, 400, 402, 409, 410, 412 and 414.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long  
Division Chief: Gary L. Kerns

PK/JL:lw

ZAC.377/PZONE/ZAC1

